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Pro Se Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Frank Liu Plaintiff,  vs.  The Nielsen Company (US) LLC and TNC US HOLDINGS Defendants.	<b>Case #1:22-cv-09084-JHR-OTW</b>  <b>Letter-Motion for Clarification Regarding ECF 124, ECF 129 and ECF 144</b>
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1 Dear Judge Wang,

2 Plaintiff respectfully requests clarification on the Court's order in ECF 124, and/or  
3 any order associated with the staying of discovery (eg. ECF 129 and ECF 144) that relates  
4 to the subject of the Court's sua sponte decision directing The Office of Pro Se Litigation  
5 "to attempt to locate a full scope pro bono attorney to represent Plaintiff in this case." The  
6 reason for asking the Court for clarification regarding the Court's order(s) is because it  
7 appears Cardelle Spangler is alleging there is a court order **requiring** Liu to obtain pro  
8 bono counsel. See email below:

9 **Spangler, Cardelle**  
to me, Winston ▾

Tue, Mar 25, 2:48 PM (18 hours ago) ☆ 😊 ↩ ⋮

10 Mr. Liu,

11 You can remove Ms. McCann from communications in this matter. As to the substance of your question, there is a court order in place regarding your need to obtain pro bono counsel, so I do not believe there is a reason for us to confer on that issue. Thank you.

12 Sincerely,

13 Cardelle

14 Ms. Spangler's email was in response to Liu's March 25, 2025 email request to set up a  
15 confer call for April 24 or April 25 (regarding lifting the stay of discovery) **after** the current  
16 stay of discovery (ECF 144) expires.

17 Due to Ms. Spangler's phrasing and use of  
18 the word, "need," it would appear she is alleging  
19 that there is a "court order" **requiring** Liu to  
20 obtain pro bono counsel. According to a google  
21 search, the word "need" is defined by "require  
22 (something)" or "expressing necessity or

23 obligation." Unless Liu is mistaken, Plaintiff **does not** believe the Court has **ordered** Liu to  
24 obtain pro bono counsel, especially when Liu believes he has no control if a pro bono  
25 lawyer will reach out and agree to represent him or not.

26 Plaintiff emailed Ms. Spangler back seeking clarification on her position by asking  
27 her, "is your position that the Court requires me to have a pro bono lawyer in order to  
28 litigate the lawsuit further?" Instead of answering Liu's question, or retracting her previous

#### Dictionary

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**need**  
/nēd/

verb

1. require (something) because it is essential or very important.  
"I need help now"

Similar:      ▾

2. expressing necessity or obligation.  
"need I say more?"

Similar:     ▾

1 allegation regarding, “there is a court order in place regarding your need to obtain pro bono  
2 counsel,” Ms. Spangler stated her “broader point is that there is not anything going on in the  
3 case that requires conferral” and declined Liu’s request to confer even though Liu requested  
4 to confer for April 24 or April 25, which is *after* the current stay of discovery expires.

5 Plaintiff respectfully requests the Court clarify **if** Ms. Spangler’s statement -- “there  
6 is a court order in place regarding your need to obtain pro bono counsel” -- **is accurate or**  
7 **not**. Plaintiff does not believe Ms. Spangler’s statement is accurate. After Liu asked Ms.  
8 Spangler for clarification regarding her statement, Ms. Spangler **did not** retract her  
9 statement, but instead spoke of the “broader point” she was trying to make, and denied  
10 Liu’s request to confer.

11 Although Liu is not exactly sure which court order Ms. Spangler is referring to, **if**  
12 Ms. Spangler’s representation of a court order is in fact **accurate**, then Liu apologizes for  
13 filing this motion for clarification because he has not interpreted any of this Court’s orders  
14 as stating that he is required to obtain pro bono council. However, **if** Ms. Spangler’s  
15 interpretation that “there is a court order in place regarding your need to obtain pro bono  
16 counsel” is **not accurate**, then perhaps it would be a good idea for Ms. Spangler to try not  
17 to misrepresent court orders to opposing parties, especially when they are pro se. It does  
18 appear Ms. Spangler believes Liu should be prohibited from litigating this lawsuit pro se,  
19 especially given her March 25 email (**see Exhibit 1**) and the fact that she previously filed a  
20 motion to stay the entire case (ECF 137) without even attempting to confer with Liu.

21 Plaintiff is unsure how Ms. Spangler came up with her allegation that “there is a  
22 court order in place regarding your need to obtain pro bono counsel.” The main purpose of  
23 Liu’s email was to set up a confer call for April 24 or April 25 regarding lifting the stay of  
24 discovery because the current stay of discovery (ECF 144) is valid until April 23, 2025, and  
25 Plaintiff does not wish to further stay discovery after the current stay of discovery expires.  
26 Liu believes the stay of discovery should be lifted **after** April 23, 2025 regardless if Liu has  
27 a pro bono lawyer representing him or not after that date because there is no guarantee  
28 staying discovery further will result in a pro bono lawyer deciding to represent Liu.

1 Furthermore, Liu believes there was a reason why Winston Hu reached out to Liu and  
2 requested discovery be stayed until April 23, 2025 (which is the date of the pre-settlement  
3 conference calls). Liu agreed to Mr. Hu's request back on March 10, 2025. Although  
4 Plaintiff hopes there may be a resolution reached between parties on or by April 23, 2025,  
5 which may moot the need to confer on discovery related matters, Plaintiff was being pro-  
6 active and giving Ms. Spangler ample notice about Liu's request to confer. Liu believes  
7 often times it is more ideal to give more notice to schedule something than less notice.  
8 Furthermore, the dates Liu requested to confer (April 24 or April 25) was after the current  
9 stay of discovery expires.

10 Because Liu wanted to confer on April 24 or April 25, Plaintiff **was not** asking Ms.  
11 Spangler to confer before the current stay of discovery expires. In good faith, Plaintiff's  
12 email even gave Ms. Spangler heads up of what Liu wanted to discuss on the confer call.  
13 By asking Ms. Spangler to set up a day/time to confer (eg. April 24 or April 25) after the  
14 current stay of discovery expires, it gives Ms. Spangler advance notice for scheduling  
15 reasons. It is disappointing that Ms. Spangler denied Liu's request to confer for April 24 or  
16 April 25. Plaintiff believes it isn't unreasonable to ask to confer for April 24 or April 25,  
17 which is after the current stay of discovery expires. As an example, back on March 10,  
18 2025, Winston Hu reached out to Liu to confer about continuing the stay of discovery, just 3  
19 days after the Court's order extending the previous stay of discovery (ECF 129) expired.  
20 ECF 129 previously stayed discovery until March 7, 2025. Therefore, Plaintiff believes it  
21 would make sense for parties to re-confer after the current stay of discovery expires, which  
22 would be after April 23, 2025.

23 Plaintiff respectfully requests the Court review the emails contained in **Exhibit 1** to  
24 understand the nature of the email communications in question between Liu and Ms.  
25 Spangler. Since Ms. Spangler is alleging "there is a court order in place regarding your  
26 need to obtain pro bono counsel," and Plaintiff disagrees with her statement, Plaintiff  
27 believes it would be a good idea for the Court to provide clarity on the matter. From  
28 Plaintiff's interpretation of the Court's orders, the Court stayed discovery to give time for a

1 pro bono attorney to reach out and represent Liu should a pro bono attorney decide to do so.  
2 However, the stay of discovery in ECF 129 and 144 is not for an unlimited amount of time,  
3 and Plaintiff does not believe the Court has required him to obtain pro bono council in any  
4 court order.

5 Plaintiff is open to the idea of pro bono representation, and is willing to wait a  
6 reasonable amount of time to see if a pro bono lawyer decides to represent Liu, but Liu isn't  
7 willing to wait forever. Plaintiff has already shown Defendants good faith by filing a letter-  
8 motion to continue the stay of discovery until April 23, 2025 (ECF 142) after Winston Hu  
9 reached out to Liu on March 10, 2025. Moreover, since Mr. Hu reached out to Plaintiff to  
10 confer regarding Defendants' request to continue the stay of discovery, it just seems a bit  
11 unfair if Defendants can refuse to confer with Plaintiff regarding lifting the stay of  
12 discovery after the agreed upon date for the current stay (until April 23, 2025) expires.

13  
14 **Clarification Requested**

15 **1.** Because of Cardelle Spangler's email stating that "there is a court order in place  
16 regarding your need to obtain pro bono counsel," Plaintiff respectfully requests the Court  
17 clarify if there is in fact a previous court order that requires Liu to obtain pro bono counsel.

18 **2.** And if Ms. Spangler's statement is accurate, then Plaintiff respectfully requests the  
19 Court further clarify if it is the Court's intention to continue to renew the stay of discovery  
20 indefinitely (eg. for months, years, decades, etc.) should no pro bono attorney reach out to  
21 represent Plaintiff, thus in essence preventing the case from moving forward to discovery  
22 should Liu remain pro se.

23  
24 Respectfully submitted,

25 Dated 3/26/2025

26 

27 Frank Liu

28 Pro Se Plaintiff